

Easing the Burden of Cost Recovery

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The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), allows the United States, a State or an Indian tribe to recover the costs of removal or remedial actions incurred by the agency. While in the past, cost recovery efforts have been asserted almost exclusively in the Superfund arena, all environmental programs are affected by this provision. Anytime an environmental cleanup project has more than one PRP and a cost sharing agreement is not in place, there is a potential for a cost recovery action.

In order to pursue a cost recovery action, the lead federal agency must be able to produce documentation to support: the identification of the source and circumstances of the release; the actual and potential impacts to public health and welfare and the environment from the release; identity of the responsible parties; response action taken; and the cost incurred.

The purpose of this workshop is to address the types of records required to pursue a recovery action, records retention criteria, use of alternate storage media (microfilm, optical disc, etc.). The workshop will also cover the pitfalls encountered in previous recoveries, restrictions on the release of records (Privacy Act protected records and Confidential Business Information), as well as services available from the HTRW CX.